

April 15, 2014

The Hon. Vincent L. Briccetti

Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

APR 18 2014

Courtroom: 620, Chambers Phone: (914) 390-4166, Fax : Chambers Fax: (914) 390-4170

~~PRO SE~~

Reference: Case# 13CIV7339 (Purushottam C. Kalola – Pro Se v. IBM Corporation and Defendants)

Subjects: Plaintiff needs Documents from IBM for Discovery Request to prove the Plaintiff was treated differently by IBM and Defendants from 2003 to 2011.

Hon. Vincent L. Briccetti,

Plaintiff was treated very differently from 2003 to 2011 due to his Race (Indian) and Internal Complaint retaliations by IBM and Defendants (Super Aiders and Abettors). All IBM Performance Reviews are done by comparing with Colleagues in the Department. I will present (Power Point Presentations: Emails and other Valid Evidences) to you how I was treated differently than my colleagues from 2003 to 2010 by IBM and Defendants.

For discovery purpose for the case, Plaintiff requests that IBM should provide (all valid documents from 2003 to 2011 related to Plaintiff, defendants, his management and colleagues, etc..) as follows by April 20, 2014 via Email (pck@yahoo.com) or CD (PDF or Word or Power Point Files) :

1. Tom Forsberg's Full PBC and PIP Plans from 2000 to 2011 due to Bluebook-Department Process , IBM Value, and IBM Business Guideline's Violations.
2. Charlied Maltrotti, Bob Bendersnagel, James Hannah, Craig Ignaszewski, and all Defenders Full PBC due to Bluebook-Department Process , IBM Value, and IBM Business Guideline's Violations
3. Names, Emails, documents, and phone call records of all people who approved Plaintiff's (Kalola) termination in 2010 and 2011. (For Defenders Claims/Facts Discovery).
4. Names, Emails, documents, and phone call records of all people who initiated Plaintiff's (Kalola) termination between 2008 to 2011. (For Defenders Claims/Facts)
5. All communications records of Kalola termination by Kalola Management, all IBM Employees, and all IBM Appeal Department/ HR /any other people since 2008 to 2011.
6. For All Job Applications of Kalola from 2002 and 2011 (IBM Global Opportunity Bank)
 - a. Manager and Hired Person Information as follows:
 - i. Full Name/Race/Education Degree/Age/Experience/Resume/PBC Rating/Date/**Job ID Number from IBM Job Website** (Example: Exhibit "S" from 13 CV 7339 Dockets)
7. 2002 to 2011: Full Name/Race/Education Degree/Age/Experience/Resume/PBC Rating/Date/**Job ID Numbers from IBM Job Website for the following:**
 - a. All Kalola Colleagues (Forsberg Department Buyers and Procurement Engineering Kevin Dore's People's PBC Ratings)
 - b. All Kalola Colleagues transferred from one Manager to another Manager with IBM Official Job ID
 - c. All Kalola Colleagues transferred from one Group to another Group
 - d. All Procurement Buyer's transferred from one Manager to another Manager (Plaintiff was
8. All Open Door and Panel Review Investigations Reports for the following.
 - a. 2003, US Open Golf \$27K Gift Even Investigation by Susan Krystek-Open Door Investigator who suppressed the \$27K supplier using the Favoritism In Workplace (BCG Violation) to protect

Majority Race Plaintiff Management and Colleagues who were found guilty by Vira Broke and CA Quintyne Ombudsman Office Manager.

- i. This was a bizarre Open Door Investigation and biased Decisions to protect Majority Race Kalola Management and Colleagues who violated BCG, IBM Values and Bluebook-Procurement Department Process (These are all called "company rules" in Kalola documents).
- ii. Investigators lost their Jobs due to John Paterson-IBM Chief Procurement Officer and Executives used to protect Majority Race Management and Colleagues.
- iii. **John Paterson-IBM Chief Procurement Officer and many IBM Management and Executives approved Plaintiff's termination with pretext reasons even Plaintiff's performance was exemplary since 2003 to 2011 and always complied with the IBM BCG/Values/BlueBook-Department Process.**
- b. John Paterson's Decisions Emails and documents (Judge of 2003 Plaintiff Open Door Complaint Investigation by Susan Krystek, Vira Broke and CA Quintyne).
- c. All Vira Broke and CA Quintyne's Emails related \$27K VIP US Open Golf Gift from a supplier by Plaintiff Management and Colleagues (Majority Race) and \$4.2M Procurement Saving Investigation Report in 2003/2004.
- d. Alan Sullivan-Kalola Manager and Roger Henke-Kalola Manage retaliation against Kalola (Kalola on 60-Day Performance Plan and fire Kalola due to file the Open Door Report in 2003 per IBM company rule (Speak Up Program (**Exhibit: Q**).
- i. W. C. White Appeal Department investigated the Kalola Retaliation Complaint and treated Kalola unfairly and insulated Plaintiff the way Russ Mandel-Appeal Department Director treated Plaintiff unfairly during 2010 Open Door Investigation.
- ii. It was BCG Violations (BCG 3.0, 3.1, etc..) by W. C. White, Alan Sullivan, Roger Henke. IBM protected these people with Favoritism In workplace (BCG Violation by IBM) in 2003/2004.

9. All Emails and communication records of Valerie Jones in setting Plaintiff for the termination by working with her management, IBM employees, and Plaintiff Management since 2008 to 2010.

10. **2004 Panel Reviews Investigation Documents.** Panel HR Partner refused to help Plaintiff to find another Job the way IBM helped their Favorite people for years. Plaintiff was discriminated by 2004 Panel Review HR Partner.

- a. **Forsberg transferred Plaintiff to Bob Bendernagel by violating IBM HR Process.** At the time PBC Rating in October 2004, Bendernagel transferred the Plaintiff PBC to Forsberg to terminate Plaintiff's employment and for the PBC Rating "3". Plaintiff provided all the information to IBM HR during the investigation. As usual, IBM HR used Favoritism In Workplace (company rule violation) and protected Tom Forsberg and Bob Bendernagel (Majority Race).

11. All Documents (Documents/ Telephone Discussions/ Emails etc..) related to Plaintiff's 2010 Open Door Investigation from Sam Palmisano Office (Sam Palmisano, Rod Adkins, Russ Mandel, Kevin Sullivan, Kermit Taylor and all other employees).

- a. Open Door Investigation Report for Sam Palmisano
- b. All Communication (Emails/telephone discussions etc..) with Russ Mandel/Kevin Sullivan about Kalola 2010 Open Door Investigation
- c. All Emails among Kevin Sullivan, Russ Mandel / Kermit Taylor/ and others about Kalola 2010 Open Door Investigation for Sam Palmisano (Exh: "G" Plaintiff Docket)
- d. In 2010, Kermit Taylor told Kalola that he spoke with 15 people about Kalola Open Door Investigation.
 - i. Plaintiff requests that IBM must provide all these 15 people's and any other people's Age/Race/Group Name/Department Name/ Title/Date/Time.
- e. All Communications (Emails / Phone Records / Discussions/Date/Time) from Sam Palmisano with Appeal Department for Plaintiff 2010 Open Door Investigation.

12. All Communications among Tom Forsberg / Charlie Maltrotti/ Bob Bendernagel/ Craig Ignaszewski / Valerie Jones / Russ Mandel / Kermit Taylor / Bob Murphy / Kalola Management / Kevin Sullivan / Kalola Colleagues and all other who were involved to intentionally terminate Plaintiff systematically.

13. All Kalola Confidentiality Speaking Emails and Investigation report from Russ Mandel and Lynea St. Peir (Confidentiality Speaking Program Manager).

- a. Remember, in 2003, Lynea suppressed \$27K US Open VIP Gift and Job Posting violation by Kalola Management and Colleagues in 2003 by working Susan Krystek-Investigator. That is why she got promoted. **IBM always promote people who violate IBM BCG, IBM values, and Department process to US Agencies (EOC, SEC, Justice Departments etc..).**
- b. **Kalola helped IBM to improve IBM Values by reporting many company rule violations to IBM and IBM Executives by IBM, Kalola Management and Colleagues since 2002 to 2010.**
 - i. **IBM and Defenders retaliated against Kalola systematically violating IBM company rules (IBM BCG and IBM Values).**
 - ii. **IBM stated that Kalola Management worked with Kalola to meet with Department Process.**
 - iii. **Actually, Kalola Management and IBM Attorney (IBM letter to EEOC: Exh C) were forcing Kalola to violate the BlueBook-Department Process, IBM BCG, and IBM Values. Kalola will provide Evidences to Court.**

Investigation Report (from IBM Appeal Department: Confidential Speaking-Speak UP per BCG 3.0) of 2009/2010 inappropriate >\$35M Procurement Saving that was reported by Plaintiff's Colleagues and Management (Craig Ignaszewski and his team) to get hire PBC Rating, Salary and Promotions.

14. PBC (Performance Reviews, Salary Treatments, Promotions, Job Transfer, and all career related data of the following employees from 2002 to 2011: **(because Kalola was treated differently for Kalola Case)**

- a. Kalola Management, Tom Forsberg, David McCree-Buyer, John Bachman-Buyer, Tom Tempestilli –Buyer, Roy Galewski-Chemical Buyer, Jane Lake-Kalola Colleagues, All Chemical Council Plaintiff Colleagues, Plaintiff's Procurement Colleagues and Management across IBM that IBM uses to performance reviews, salary treatment, promotions etc.. to compare for Kalola PBC (Performance Rating) Rating.
- b. Alan Sullivan, Roger Henke, Chuck Eirish, Vito Belmonte, Steve Jennings, all PBC Ratings Documents from 2002 to 2011.
 - i. IBM management always stated to Kalola that they compared Kalola performance rating with Kalola Colleagues since 1999 to 2011.
- c. Procurement Engineer's PBC Documents (Kalola Colleagues): Ann Harmuth-Procurement Engineer who violated Department Process by working their (Forsberg, Bendernagel, and Ann Harmuth) favorite Broker (Pred Material) to promoted Broker's Copper Powder Business at IBM's cost (IBM company rule violations).
- d. PBC of the Procurement Engineering Group: Kevin Dore, James Hannah, Alan Billimaier, Rob Alley , Alicia Dean who worked on the CoWP, LAL, Cu Plating, and Copper Powder Projects and they worked Independently by violating IBM Department Process (Bluebook). These are all Majority Race people.
 - i. Kalola was made scapegoat for Procurement Engineering Groups' and Management failures on CoWP, CU Plating, and LAL Projects in 2009 and 2010.
 - ii. Kalola performed extraordinary by complying with Department Process (BlueBook, IBM BCG, and IBM Values); on the other side, Kalola Management and Colleagues (Majority Race people violated BlueBook, IBM BCG, and IBM Values
- e. Alan Sullivan, Roger Henke, Chuck Eirish and Vito Belmonte got promoted after Vira Broke and CA Quintyne recommended firing them to John Paterson and many IBM Executives via emails in 2003.
- f. In 2010, Kalola Management transfer several Plaintiff's colleagues without Job Postings (some of them violated Department Process from 2002 to 2010). Plaintiff was denied any Job Transfer without the job Postings by all IBM employees, Plaintiff Management, Executives, and HR people from 2003 to 2011.

15. From 2003 to 2011, all PBC and job related documents of all Defenders because they also violated IBM BCG, IBM Values and Department process by treating Plaintiff unfairly and treated Plaintiff's Management and Colleagues (even many of them violated IBM company rules) based on the Favoritism In Workplace (BCG and IBM Value violations).

16. All PBC Ratings of Virginia "Ginni" Rometty (IBM CEO) and her Management Team who failed 7 quarters in a row to meet PBC Goals and still at IBM; and no PIPs and terminations: Plaintiff was treated differently since 2003 to 2011 during PBC Assessment from 2003 to 2011.
17. For 2002 to 2011: All people whose performance were poor (PBC Rating of "3") and who violated IBM and Government (SEC, Justice Department etc..) company rules for the High Level SEC Investigations, Justice Department Investigation of IBM Job Posting Process for H1Bs, etc..).
 - a. <http://www.justice.gov/opa/pr/2013/September/13-crt-1091.html>
 - b. <http://www.reuters.com/article/2013/07/31/net-us-ibm-sec-idUSBRE96U0LP20130731>
 - c. <http://wallstcheatsheet.com/stocks/ibm-is-being-sued-over-nsa-scandal.html?a=viewall>
 - d. <http://online.wsj.com/news/articles/SB10001424052748704608504576208634150691292>
 - e. Names and Race of All Company Rule violators are at IBM.
18. Plaintiff needs all the names of all IBM people approved Plaintiff's termination in 2008 and 2011 to update Defendants' Summons.

Plaintiff will provide more evidences of unfair treatment from 2003 to 2011 after IBM and Defenders' response. Plaintiff highly believes that IBM does not have a Case against Plaintiff since Plaintiff was terminated unfairly with pretext reasons by protecting Plaintiff's Majority Race Management and Colleagues who violated IBM company rules from 2003 to 2011 that hurt IBM and shareholder's values negatively worldwide. Please see IBM PBC. Only IBM Value Role Model gets the PBC Rating (Performance Rating) "1". Plaintiff was IBM Value Role Model from 2003 to 2010 and never got PBC Rating "1". Plaintiff was treated differently by IBM from 2003 to 2011.

So Ordered by **Hon. Vincent L. Briccetti:** _____

Sincerely,

Purushottam C. Kalola

Purushottam C. Kalola, 11 Geoffrey Drive, Parsippany, NJ 07054 Cell: 845-401-2050, Email: pck@yahoo.com

Copy to: Jackson | Lewis, Attn: Dana Weisbrod, ESQ and Tara L. Touloumis

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Subject: Document Size Limit Problem to Respond to BM's and Defenders' Motion to Dismiss Plaintiff most claims

Hon. Vincent L. Briccetti,

I would like to help the Americans and educate IBM Management using my case. We all need companies like IBM; but, only excellent and ethical management who treats Americans fair. I hope you will join me in these efforts and not dismiss my claims and rejecting Defendant's Motion to Dismiss Claims in entirety. I will provide you the evidences. 100% guarantee.

I have just talked with Mr. Diaz (Pro Se Office in New York Office) in regards to my Respond to the Motion to Dismiss Plaintiff (most claims). He stated that I write a letter to Judge about the 25 Page and One Document Limits requirements.

I stated in my letters to you several times that I was holding > 100 pages of **Evidences** for my Case until I get a Pretexted Response from them. Now, we got the response and I would like to submit all Power Point Presentations (about 10 of them with 5 to 40 pages). I also may have audio recordings (i.e. Plaintiff was humiliated and insulated) per NJ and NY State Law which required only one participating person's consent. **I will try my best to make it easy to understand for you. I would like to provide the presentations as Exhibits for Word File supporting my claims and facts (a Binder).**

I am looking forward to your support in this matter.

So Ordered by **Hon. Vincent L. Briccetti:** _____

Sincerely,

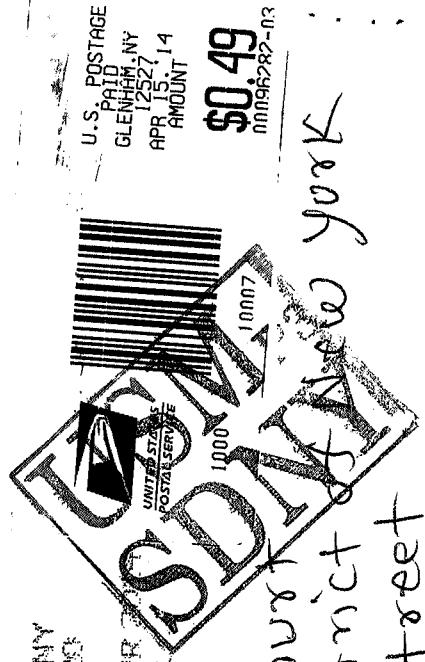
Purushottam C. Kalola
Purushottam C. Kalola, 11 Geoffrey Drive, Parsippany, NJ 07054 Cell: 845-401-2050, Email: pck@yahoo.com IBM Role Model of IBM Values for All Employees and Executives

Copy to: Jackson / Lewis, Attn: Dana Weisbrod, ESQ and Tara L. Touloumis, ESQ (via Email)

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